

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

KEVIN FERNANDEZ,)	3:14-CV-0578-MMD (VPC)
)	
Plaintiff,)	<u>MINUTES OF THE COURT</u>
)	
vs.)	March 6, 2017
)	
JAMES GREG COX, et al.,)	
)	
Defendants.)	
)	

PRESENT: THE HONORABLE VALERIE P. COOKE, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: LISA MANN REPORTER: NONE APPEARING

COUNSEL FOR PLAINTIFF(S): NONE APPEARING

COUNSEL FOR DEFENDANT(S): NONE APPEARING

MINUTE ORDER IN CHAMBERS:

This court set a hearing on Monday, March 6, 2017, at 10:00 a.m. Pacific Time to consider outstanding discovery motions (ECF No. 299). Prior to this hearing date, the parties had been working very diligently to resolve many of the pending discovery disputes, and the court granted several extensions of time to allow the parties to continue their meet-and-confer conferences. Defendants reported that as of February 28, 2017, the parties had resolved ECF Nos. 250, 278, 280, 285 and 286 (ECF No. 300). Defendants further reported that the parties hoped to resolve ECF Nos. 209 and 217. (*Id.*) Finally, the parties asked the court to decide ECF Nos. 252 and 254, and the court intended to do so at the March 6, 2017 hearing.

For reasons that were beyond the control of plaintiff or defendants, the plaintiff was not made telephonically available for the March 6, 2017 hearing. Therefore, the court considers the two motions that the parties asked this court to decide: ECF No. 253 and 254.

Defendants filed a motion to strike Brian E. Pape Ph.D. ("Dr. Pape") as an expert witness (ECF No. 253), plaintiff opposed (ECF No. 264), and defendants replied (ECF No. 276). Defendant asked the court to strike the Dr. Pape's report as untimely, procedurally deficient, and substantially irrelevant. The court agrees on all points, and defendants' motion to strike (ECF No. 253) is **GRANTED**. Plaintiff's motion for order waiving requirement of the expert report, or, in the alternative, to modify the scheduling order (ECF No. 254) is **DENIED AS MOOT**.

In light of the parties' report concerning resolution of the motions numbered ECF Nos. 250 and 286, these motions are **DENIED AS MOOT**.

The parties shall file a stipulation on or before **Friday, March 20, 2017** concerning the resolution of the motions numbered ECF Nos. 278, 280, & 285. This stipulation shall also identify the operative complaint and response.

The parties shall be given until **Friday, March 17, 2017**, to continue to meet and confer as to ECF Nos. 209 and 217). Defendants' counsel shall file a status report concerning those motions no later than **Monday, March 20, 2017**. If these motions remain unresolved, the court will issue its order addressing these outstanding motions.

The stay of proceedings in this action (ECF No. 288) is lifted. There shall be no further discovery in this case, and the parties are advised that the court will not consider any further requests for extensions.

The deadline to file dispositive motions is **Friday, April 21, 2017**. In the event no dispositive motion is filed, the parties shall file a proposed joint pretrial order on or before **Monday, May 22, 2017**.

IT IS SO ORDERED.

LANCE S. WILSON, CLERK

By: _____ /s/
Deputy Clerk